

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

CLERK'S OFFICE U.S. DISTRICT COURT
AT ROANOKE VA. - FILED

MAR 26 2008

BY: JOHN F. CORCORAN, CLERK
DEPUTY CLERK

United States of America)

v.)

Elmer Lewis Johnson)

Case No: 7:05CR00022-001

USM No: 11350-084

Date of Previous Judgment: October 23, 2006

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 240 months is **reduced to** 193 months*.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 34

Amended Offense Level: 32

Criminal History Category: V

Criminal History Category: V

Previous Guideline Range: 235 to 294 months

Amended Guideline Range: 188 to 235 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☒ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☒ Other (explain):

*This sentence consists of 188 months imprisonment on each of Counts Four and Five, and 120 months as to Count Six, all to be served concurrently, and five months pursuant to 18 U.S.C. § 3147 to run consecutive to the terms imposed as to the other three counts.

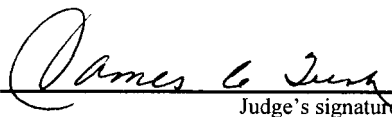
III. ADDITIONAL COMMENTS

The factors listed in 18 U.S.C. § 3553(a) having been considered, the government's objections to the reduction are overruled.

Except as provided above, all provisions of the judgment dated 10/23/2006 shall remain in effect.

IT IS SO ORDERED.

Order Date: March 26, 2008


Judge's signature

Effective Date: _____
(if different from order date)

James C. Turk, Senior United States District Judge
Printed name and title